

## AMENDMENTS

### Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A top read marking tape measure, comprising:
  - a housing defining an opening therein through which a portion of a tape having measuring indicia is extendible in a first direction while the remainder of said tape remains coiled within said housing, said tape having an upper face and a lower face, said upper face having a first indicia scale located thereupon, said first indicia scale having its point of origin coincident with an outer free end of said tape, said lower face having a second indicia scale located thereupon, said second indicia scale having its point of origin spaced inwardly from said free end of said tape, said housing further comprising a transparent window in the top of said housing, said window further comprising at least one reference mark at said window adjacent said tape lower side, said reference mark pointing at a marking indicia on said lower face denoting the measurement of distance from said free end~~configured to denote to a user the alignment of the extended tape with respect~~ to a marking device; and
  - a marking device for applying a mark to a surface, said marking device having a length and a width, said length being longer than said width, said marking device oriented so that said length is generally perpendicular to said first direction, said marking device adjacent said opening.

2. (Original) The tape measure of claim 1, wherein said marking device is generally semi-circular in shape.
3. (Original) The tape measure of claim 1, wherein said marking device is generally semi-ovular in shape.
4. (Original) The tape measure of claim 1, wherein said housing further comprises at least one protruding cursor extending from said housing aligned with and adjacent to said marking device.
5. (Original) The tape measure of claim 4, wherein said protruding cursor is oriented adjacent said tape blade upper side and is configured to denote to a user the alignment of the extended tape with respect to said marking device.
6. (Original) The tape measure of claim 5, wherein the upper side marking indicia is sequentially numbered utilizing a standard measurement scale, wherein the lower side marking indicia is sequentially numbered utilizing the same standard measurement scale of the upper side marking indicia, wherein the tape measure is configured so that the reference mark denotes the same measurement that the protruding cursor denotes.

7. (Currently Amended) A tape measure comprising:

a housing having a window, said housing configured to hold a coiled measuring tape therein and to display a portion of said coiled measuring tape through said window;

said measuring tape having a first side and a second side, said first side and said second side each having a plurality of equidistant measuring marks thereupon, said measuring marks configured to indicate the distance between a first end and a second end of said tape, a first reference mark pointing at a marking indicia on said first side denoting the measurement of distance from said free end, a second reference mark pointing at second marking indicia on said second side denoting the measurement of distance from said free end, said first side and said second side each configured so that when a measuring mark on said first side is positioned at a marking location at said first reference mark, the same measuring mark on said second side is displayed through said window at said second reference mark; and

a marking device located at a marking location, said marking device having a length and width said length being greater than said width, said marking device also configured to mark a surface.

8. (Original) The tape measure of claim 7, wherein said marking device is generally semi-circular in shape.

9. (Original) The tape measure of claim 7, wherein said marking device is generally semi-ovular in shape.

10. (Original) The tape measure of claim 7, wherein said housing further comprises at least one protruding cursor extending from said housing aligned with and adjacent to said marking device.

11. (Original) The tape measure of claim 10, wherein said protruding cursor is oriented adjacent said tape blade first side and is configured to denote to a user the alignment of the extended tape with respect to said marking device.

12. (Original) The tape measure of claim 11, wherein the upper side marking indicia is sequentially numbered utilizing a standard measurement scale, wherein the second side marking indicia is sequentially numbered utilizing the same standard measurement scale of the first side marking indicia, wherein the tape measure is configured so that the reference mark denotes the same measurement that the protruding cursor denotes.

13. (Cancelled)

14. (Cancelled)

15. (Cancelled)

16. (Cancelled)

17. (Cancelled)

18. (Cancelled)

19. (Cancelled)

20. (Cancelled)

21. (Original) A top read tape measure, comprising:

a tape housing defining an opening therein through which a portion of a tape is extendible in a first direction while the remainder of said tape remains coiled within said housing;

said tape having an upper face and a lower face, said upper face having a first numeric indicia scale located thereupon, said first indicia scale having its point of origin coincident with an outer free end of said tape, and said lower face having a second numeric indicia scale located thereupon, said second indicia scale having its point of origin spaced inwardly from said free end of said tape, each scale being reversed relative to the other scale so that, if the numbers of one scale could be seen by transparency through the other scale they would be reversed in orientation;

said housing further comprising a transparent window in the top of said housing, said window further comprising at least one first reference mark adjacent said tape lower side, said first reference mark configured to denote to a user the distance between said outer free end of said tape and a measurement location adjacent said opening; and

said housing further comprising at least one second reference mark adjacent said opening, said second reference mark adjacent said tape upper side, said second reference mark configured to denote to a user the distance between said outer free end of said tape and said measurement location adjacent said opening;

wherein said second indicia scale is spaced inwardly enough from said outer free end so that the measurement shown on the first side at the second reference mark is identical to the measurement shown on the second side at the first reference mark.

22. (Original) The top read tape measure of claim 21, further comprising a marking device for applying a mark to a surface, said marking device having a length and a width, said length being longer than said width, said marking device oriented so that said length is generally perpendicular to said first direction, said marking device configured to mark said surface at the measurement shown in said first and second reference marks.